

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ALICIA STREET et al.,

Plaintiffs,

v.

LT. COL. LAWRENCE

O'TOOLE, et al.,

Defendants.

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Case No. 4:19-CV-2590 CDP

JURY TRIAL DEMANDED

~~PROPOSED~~ STIPULATED ORDER FOR PRELIMINARY SCHEDULE AND  
PROCEDURE

By consent of plaintiffs and defendant City of St. Louis, it is ORDERED:

1. On or before November 30, 2019, defense counsel will notify plaintiffs' counsel of the identities of officers who had no command role and no physical presence at or near Tucker and Washington on the night of September 17, 2017. If plaintiffs' counsel voluntarily dismiss these defendants, no sanctions or attorney's fees will be requested on their behalf and, if discovery demonstrates contrary facts, the dismissed defendants will not object to amended pleadings reinstating claims against them. If plaintiffs' counsel do not agree to dismiss, defendants reserve the right to file early motions for summary judgment and appropriate other relief.

2. Counsel for the City will enter for most defendants at or before the motion deadline, waiving service. Defense counsel will notify plaintiffs' counsel as to any service or representation issues as to particular defendants by November 30, 2019.

3. Based on the timely disclosure of the information described above, plaintiffs' counsel will have until December 15, 2019 to file an Amended Complaint.

4. Defendants will file motions to dismiss not later than January 15, 2020. Defendants will file a maximum of 5 motions, consisting of the following groupings: (1) the City, (2) command rank officers (Captain and above), (3) Lieutenants and Sergeants, (4) CDT line officers, and (5) non-CDT officers.

5. Memoranda in support of and opposition to motions to dismiss will not exceed 20 pages per motion; replies will not exceed 12 pages. Memoranda in opposition shall be filed within 30 days after the filing of the motions; replies shall be filed 10 days after the opposition memoranda. In briefing motions to dismiss, the defense will be guided by the Court's opinions in related cases so as to avoid rehashing arguments that the Court has previously rejected—unless there has been a change in law.

6. During the pendency of any motions to dismiss, the parties will cooperate with regard to discovery on class certification issues in order to permit a motion for class certification to be filed by the end of June 2020.

*So Ordered*

*Callahan-D.P.*

~~EXHIBIT 1~~

*11/13/19*